

Response To Office Action
Pat. App. Serial No. 09/759,536
Attorney Ref. No. 31215.0002
Page 15

REMARKS

The Office Action has been received and reviewed. In the Office Action, claims 1-47 were rejected. In response to the Office Action, Applicant has amended the claims in order to expedite issuance of a Notice Of Allowance, and no other reason should be attributed to the amendments. In particular, the amendments to the claims should not be viewed as agreeing that Hedloy is a proper foundation on which to base a rejection under 35 U.S.C. 103(a). In view of the amendments and the following remarks, Applicant respectfully requests allowance of the claims.

1. Rejection Of Claims 1-4, 6-11, 15-19, 21-26 and 30-47.

At section 3 of the Office Action, it was argued that claims 1, 16, 30 and 41 are rendered obvious pursuant to 35 U.S.C. 103(a) in view of U.S. patent no. 6,323,853 (Hedloy). At section 7 of the Office Action, it was noted that claims 2-4, 6-11, 15, 17-19, 21-26, 31-40 and 42-43 were rejected because they "are based on rejected independent claims." No other rationale was given for rejecting claims 2-4, 6-11, 15, 17-19, 21-26, 31-40 and 42-43.

In situations where dependent claims are rejected merely because they depend from a rejected base claim, it is customary for the USPTO to identify those claims as being allowable, if they are written in independent form, or the limitations of the dependent claim are added to the independent claim. Applicant has amended the independent claims 1, 16, 30 and 41 to include limitations similar to limitations of one of the identified dependent claims. Specifically, (a) limitations similar to those found in claim 4 have been added to claim 1, (b) limitations

Response To Office Action
Pat. App. Serial No. 09/759,536
Attorney Ref. No. 31215.0002
Page 16

similar to those found in claim 19 have been added to claim 16, (c) limitations similar to those found in claim 33 have been added to claim 30, and (d) limitations similar to those found in claim 43 have been added to claim 41.

By these amendments, applicant has presented claims 1, 16, 30 and 41 in a condition that should be acceptable to the examiner. If claims 1, 16, 30 and 41 are not now in condition for allowance, then Applicant respectfully requests withdrawal of the "finality" of the Office Action, and respectfully requests a detailed analysis corresponding to the dependent claims 2-4, 6-11, 15, 17-19, 21-26, 31-40 and 42-43.

It is respectfully requested that claims 1, 16, 30 and 41 be allowed. Since dependent claims 2-15, 17-29, 31-40 and 42-43 include all the limitations of one of claims 1, 16, 30 and 41, it is respectfully requested that claims 2-15, 17-29, 31-40 and 42-43 be allowed.

2. Rejection Of claim 44.

At section 8 of the Office Action, it was argued that "Iinuma" discloses certain features. The argument put forth at section 8 appears to be similar to the argument put forth at section 3 of the Office Action. Further, claim 44 was identified at section 2 as being rejected under 35 U.S.C. 103(a) in view of Hedloy, not Iinuma. Therefore, Applicant assumes the reference in section 8 to Iinuma was intended to be a reference to Hedloy. If this is not correct, please let the undersigned know.

Applicant has amended independent claim 44 to include limitations similar to those found in claim 4. By this amendment, applicant has presented claim 44 in a condition for allowance.

Response To Office Action
Pat. App. Serial No. 09/759,536
Attorney Ref. No. 31215.0002
Page 17

If claim 44 is not now in condition for allowance, then Applicant respectfully requests withdrawal of the "finality" of the Office Action, and respectfully requests a detailed analysis corresponding to the dependent claims 45-47.

It is respectfully requested that claim 44 be allowed. Since dependent claims 45-47 include all the limitations of claim 44, it is respectfully requested that claims 45-47 be allowed.

3. Rejection Of claims 5, 12-14, 20 and 27-29.

At section 13 of the Office Action, it was argued that claims 5, 12-14, 20 and 27-29 are rendered obvious pursuant to 35 U.S.C. 103(a) in view of Hedloy. In the Office Action, it was acknowledged that Hedloy does not show the limitations of claims 5 and 20. It is respectfully submitted that Hedloy does not suggest these limitations either.

Claims 5 and 20 were rejected on grounds that they "are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited." The independent claims have been amended in a manner that addresses this. It is respectfully submitted that claims 5 and 20 are allowable.

At section 17 of the Office Action, claims 12-14, 20 and 27-29 were rejected on grounds that they "are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited." The independent claims have been amended in a manner that addresses this. It is respectfully submitted that claims 12-14, 20 and 27-29 are allowable.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted a full and complete response to the Office

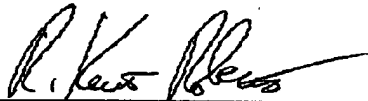
Response To Office Action
Pat. App. Serial No. 09/759,536
Attorney Ref. No. 31215.0002
Page 18

Action has been made. The claims are in condition for allowance, and allowance of the claims is respectfully requested.

The Applicant believes that no fee is due with this Response. If a fee is due, please charge Deposit Account No. 08-2442. Further, Applicant believes that no extension of time is necessary to file this Response. However, if an extension of time is needed, please consider this as a petition for an extension of time necessary to enter this Response.

The Examiner is invited to call applicant's attorney if any questions remain following review of this response. If it will help, the undersigned is willing to explain by telephone or in person, the reasons the claims are allowable.

Respectfully submitted,



R. Kent Roberts
Attorney for Applicant
Registration No. 40,786

Date: October 6, 2004

Hodgson Russ LLP
One M&T Plaza, Suite 2000
Buffalo, NY 14203-2391

BFLDOCS 913219-1 (JKN7011.DOC)